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5 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
6 **IN AND FOR THE COUNTY OF KING**

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8 PIERCE COUNTY, a local government in the State)
9 of Washington; GLORIA IRENE THEIN, a)
10 resident of Pierce County; CITY OF TACOMA, a)
11 local government in the State of Washington;)
12 WILLIAM LaBORDE, a resident of Pierce County;)
13 KING COUNTY, a local government in the State)
14 of Washington; KAREN UFFELMAN, a resident)
15 of King County,)

16 Plaintiffs,

17 and)

18 CENTRAL PUGET SOUND REGIONAL)
19 TRANSIT AUTHORITY (a/k/a "SOUND)
20 TRANSIT") et al.,)

21 Intervenor Plaintiffs,)

22 vs.)

23 STATE OF WASHINGTON, in its general)
24 capacity as defender of I-776, and through its)
25 agency the Washington Department of Licensing,)
26 Defendant,)

27 and)

28 SALISH VILLAGE HOME OWNERS)
29 ASSOCIATION, a Washington non-profit)
30 association, and DENNIS VAUGHN, a citizen)
31 and taxpayer resident of King County,)

32 Intervenor Defendants,)

33 and)

34 PERMANENT OFFENSE)

35 Intervenor Defendant.)
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N0. 02-2-35125-5 SEA

ORDER DENYING MOTIONS TO STRIKE

THESE MATTERS came before the Court upon the Parties' following cross-motions:


- 1) Motion of Intervenor Defendants Salish Village Condominium, Mr. G. Dennis Vaughan, and Permanent Offense Motions for an Order Striking Exhibit #6 of the September 24, 2004 Declaration of Jeffrey Brown; the September 27, 2004 Declaration of Jeffrey Anderson; the September 27, 2004 Second Declaration of Paul Matsuoka, and all arguments of Sound Transit related to US Constitution Article One § 10; and
- 2) Motions of Intervenor Plaintiff Sound Transit to Strike the First and Second Declarations of Thomas A. Rubin dated October 16 and 22, 2004 respectively;

The court reviewed the Motions and Responses and the files herein, and having been duly advised on the premises, now therefore

IT IS HEREBY ORDERED:

- 1) Intervenor Defendants' Motions to Strike ARE DENIED; and
- 2) Intervenor Plaintiff Sound Transit's Motion to Strike IS DENIED. Sound Transit was offered a continuance in order to cure any prejudice by the recent disclosure of Thomas Rubin. Sound Transit elected to proceed.

IT IS SO ORDERED this 5th day of November, 2004.



Judge Mary I. Yu
KING COUNTY SUPERIOR COURT